



<b>POLICY TITLE: Mandatory Employee Drug and Alcohol Testing</b>		<b>PAGE 1 OF 6</b>
<b>CHAPTER : Human Resources</b>		
	<b>CHILD AND FAMILY SERVICES AGENCY</b>  <b>Approved by:</b> _____ Signature of Agency Director	<b>PROFESSIONAL STANDARDS</b>  <b>See Section VII.</b>
<b>EFFECTIVE DATE:</b> December 06, 2006	<b>LATEST REVISION:</b> February 14, 2007	<b>REVIEW BY LEGAL COUNSEL:</b> 09/15/06

<b>I. AUTHORITY</b>	<p>The Director of the Child and Family Services Agency ("CFSA") adopts this policy to be consistent with the Agency's mission and applicable Federal and District of Columbia law and regulations including: Title XX-C of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, added by Title 1 of D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Official Code § 1-620.31 <i>et seq.</i> (Supp. 2006); Chapter 39 of the D.C. Personnel Regulations (6 D.C.M.R. 3900 <i>et seq.</i>) (2005); and 49 C.F.R. Part 40.</p>
<b>II. APPLICABILITY</b>	<p>This policy applies to the following CFSA employees and applicants:</p> <ul style="list-style-type: none"> <li>• All applicants for employment;</li> <li>• All CFSA employees in safety-sensitive positions;</li> <li>• CFSA employees who have had a reasonable suspicion referral;</li> <li>• Post-accident employees, as soon as reasonably possible following an accident; and</li> <li>• CFSA employees who operate a motor vehicle in the performance of their duties.</li> </ul>
<b>III. RATIONALE</b>	<p>To ensure the health and safety of children and youth, the District has enacted legislation requiring mandatory drug and alcohol testing of all applicants and employees in safety-sensitive positions. These are the same positions identified in the Criminal Background Check Program. Several CFSA positions are covered under this program. As a result, the CFSA has implemented a Mandatory Employee Drug and Alcohol Testing Program.</p> <p>The purpose of this policy is to establish and maintain a drug-free workplace at the CFSA. Methods used to achieve this purpose include education, intervention, rehabilitation, and disciplinary action. This policy encourages a drug-free work environment to promote the health, safety and welfare of employees, reinforce institutional security, and foster the public's trust in the integrity and professionalism of our employees. Individuals impaired by the use of alcohol or drugs are harmful to themselves and the Agency's mission.</p>

IV. POLICY	This policy establishes a Mandatory Drug and Alcohol Testing Program for CFSA employees and applicants who are or will be employed in safety-sensitive positions. The use, possession, or dispensation of illegal drugs or controlled substances by CFSA employees while on duty is prohibited. The use of alcohol or impairment from alcohol, while on duty is prohibited. Therefore, it is the policy of CFSA to require drug and alcohol testing of covered employees and all candidates for employment.	
V. CONTENTS	A. Notification B. Substances Tested C. Testing Categories D. Testing Procedures E. Penalties F. Confidentiality G. Employee Assistance Program (EAP) H. Training	
VI. ATTACHMENTS	A. Definitions B. Acknowledgement Form C. Drug and Alcohol Testing Form D. Drug and Alcohol Testing Instructions	
VII. PROCEDURES	<b>Procedure A: Notification</b>  1. Employees shall be given at least a 30-day written notice that CFSA is implementing a drug and alcohol testing program.  2. Upon receipt of a written notice of the program, each employee shall be given one (1) opportunity to seek treatment if he/she acknowledges a drug or alcohol problem. Thereafter, any confirmed positive drug test results, positive breathalyzer test, or a refusal to submit to a drug test or breathalyzer will be grounds for termination of employment in accordance with District government law or regulations.  3. Any employee acknowledging a drug or alcohol problem upon receipt of the advance written notice shall undergo and complete a counseling and rehabilitation program, and shall not be subject to administrative action while completing the counseling and rehabilitation program. However, if that employee holds a safety-sensitive position, he/she shall be immediately detailed to a non-safety-sensitive position while he/she completes the counseling and rehabilitation program. After completion of the counseling and rehabilitation program, the employee shall be tested before being allowed to return to the safety-sensitive position he/she held prior to completion of the program.  4. Management is required to ensure that employees are notified of the drug testing policy upon initial employment and upon any change in an employee's status. Refusal by an employee to complete the required forms ( <i>see attachment B</i> ) shall be documented, signed, and dated by a supervisor and witnessed by the Program Manager. This action shall constitute official employee notification.	
POLICY NUMBER/TITLE		CHAPTER NUMBER/TITLE
Mandatory Employee Drug and Alcohol Testing		Human Resources
		PAGE NUMBER
		Page 2 of 6

	<p>5. Vacancy announcements for all safety-sensitive positions within CFSA will clearly state the Mandatory Employee Drug and Abuse Policy is applicable to these positions. This includes the information that applicants will be tested for drug and alcohol abuse and are subject to further drug and alcohol testing upon acceptance of the position.</p>
	<p><b>Procedure B: Controlled Substances Tested</b></p> <p>Urine specimens obtained for drug tests will be subject to an initial Enzyme-Multiplied-Immunoassay Test (EMIT) for illegal drug which includes, but is not limited to, the following substances:</p> <ol style="list-style-type: none"> <li>1. Marijuana (THC)</li> <li>2. Cocaine</li> <li>3. Opiates</li> <li>4. Amphetamines; and</li> <li>5. Phencyclidine (PCP)</li> </ol> <p>If a specimen is presumptively positive, the result will be confirmed using the Gas Chromatography/Mass Spectrometry (GC/MS) testing method.</p>
	<p><b>Procedure C: Test Categories</b></p> <p>All employees subject to this policy shall be tested for drug and alcohol use in the following circumstances:</p> <ol style="list-style-type: none"> <li>1. <b>Applicant Testing</b> - Drug or alcohol testing is required as a condition of employment. Testing may be part of the application process before an offer is made; or as part of the hiring process after an offer of employment is made, but before the qualified candidate commences work. (Applicant may be offered employment contingent upon a receipt of satisfactory drug testing results and may be assigned to a non safety sensitive position prior to receiving the results.)</li> <li>2. <b>Reasonable Suspicion Referral Testing</b> - Drug or alcohol testing is required when a supervisor has a reasonable belief that an employee is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.</li> <li>3. <b>Post-Accident Testing</b> - Drug or alcohol testing conducted after an accident involving an employee who, while on-duty, is in a vehicular or other type of accident resulting in personal injury or property damage, or both, in which the cause of the accident could reasonably be believed to have been the result, in whole or in part, from the use of drugs or alcohol on the part of the employee.</li> </ol>

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
Mandatory Employee Drug and Alcohol Testing	Human Resources	Page 3 of 6

	<p>4. <b>Motor Vehicle Operator Testing</b> - Any District government employee who operates a motor vehicle in the performance of his or her employment within the District of Columbia shall be deemed to have given his or her consent, subject to the conditions in this title, to the testing to the employee's urine or breath for the purpose of determining drug or alcohol content whenever a supervisor has probable cause or a police officer arrests such person for a violation of the law and has reasonable grounds to believe such person to have been operating or in physical control of a motor vehicle within the District while that person's breath contains .08 percent or more, by weight, of alcohol, or while under the influence of an intoxicating liquor or any drug or combination thereof, or while that person's ability to operate a motor vehicle is impaired by the consumption of intoxicating liquor.</p> <p>5. <b>Random Testing</b> - Drug or alcohol testing conducted on a CFSA employee in a safety-sensitive position, at an unspecified time, for purposes of determining whether the employee has used drugs or alcohol and, as a result, is unable to satisfactorily perform his/her employment duties.</p> <p>6. <b>Post-Treatment Testing</b> – Testing required before an employee who engaged in conduct prohibited by this policy and is returning to his or her previously held position after an opportunity to seek treatment.</p>	
	<p><b>Procedure D: Testing Procedures</b></p> <p>1. Prior to testing, a physician shall meet with the employee to be tested and ask what medications he/she is currently (or recently has been) taking, in an effort to rule out any false positives in the drug screening results.</p> <p>2. Testing for alcohol use shall be conducted using an evidentiary breath-testing (EBT) device. An EBT test will be deemed positive if the contractor determines that one (1) milliliter of the employee's breath (consisting of substantially alveolar air) contains 0.38 micrograms or more of alcohol.</p> <p>3. Testing for illegal drug use shall be conducted by collecting a urine sample from the employee being testing. EMIT method and GC/MS (for confirmation of positive test results) will be used.</p> <p>4. Each employee is required to submit to testing on his or her scheduled test date/time/place.</p> <p>5. Employees may be subject to additional requirements or drug and alcohol testing where applicable.</p> <p>6. Each CFSA employee shall complete the required drug and alcohol testing forms whenever his or her work assignment changes from a non-safety sensitive position to a safety sensitive position (see attachment C).</p>	
<b>POLICY NUMBER/TITLE</b>	<b>CHAPTER NUMBER/TITLE</b>	<b>PAGE NUMBER</b>
<b>Mandatory Employee Drug and Alcohol Testing</b>	<b>Human Resources</b>	<b>Page 4 of 6</b>

	<p>7. If a supervisor has a reasonable belief that an employee is under the influence of alcohol or illegal substances to the extent that the employee's ability to perform his/her job is impaired, the supervisor may make a reasonable suspicion referral of the employee for testing.</p> <p>8. Supervisors shall be trained in substance abuse recognition and must receive a second opinion from the program manager or administrator prior to making a reasonable suspicion referral.</p> <p>9. Testing shall be performed by an outside contractor at a laboratory certified by the United States Department of Health and Human Services (HHS). Any positive EMIT test shall then be confirmed by the contractor, using the GC/MS methodology.</p> <p>10. The contractor shall collect urine specimens at a designated location, split each sample and perform the EMIT testing method on one (1) sample and store the split of that sample.</p> <p>11. Employees will be notified of the confirmed test result within five (5) business days.</p> <p>12. Any employee found to have a confirmed positive test result may authorize that the stored sample be sent to another HHS certified laboratory of his or her choice, <b>at his or her expense</b>, for a confirmation, using the GC/MS testing method.</p> <p>13. Any employee who is required to be tested due to reasonable suspicion or a post accident/incident will be escorted by a supervisor to the contractor's test site for specimen collection or a breathalyzer test.</p> <p>14. Medical attention shall not be delayed for the purpose of testing following an accident or incident.</p>
	<p><b>Procedure E: Penalties</b></p> <p>1. The Agency Director has the authority to propose disciplinary action for the Mandatory Drug and Alcohol Testing Program.</p> <p>2. In the case of applicants, violation of this policy, refusal to complete required drug/alcohol testing forms or to take the drug test, or a confirmed positive test result shall preclude the applicant from further employment consideration for a one year period.</p> <p>3. An employee's refusal to submit to urine or breathalyzer testing, willful tampering with test specimens, any attempt to circumvent the testing process, or positive drug test or breathalyzer test constitutes a violation of this policy, and shall result in termination of employment.</p>

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
Mandatory Employee Drug and Alcohol Testing	Human Resources	Page 5 of 6

	<p>4. An employee shall remain in their duty status unless a positive confirmation report is received from the laboratory and the Medical Review Officer (MRO). An employee who has a confirmed positive test result shall be placed on administrative leave immediately, pending the results of an independent confirmation test</p> <p>5. In the case of a confirmed positive drug test, the employee will be informed of his/her right to have his/her specimen tested by an independent laboratory at <b>his/her expense</b>. The employee shall also be notified that the request for an independent confirmation test must be initiated within three (3) business days in accordance with guidelines set forth in this policy. If the employee requests an independent test, all proceedings will be held in abeyance until the MRO receives the results of the independent test.</p>
	<p><b>Procedure F: Confidentiality</b></p> <p>Files, records, and drug testing data shall be maintained in accordance with D.C. Official Code §§ 1-620.35(c) and 1-631.01 <i>et seq.</i> (2001 and Supp. 2006), and Chapter 31 of the D.C. Personnel Regulations.</p>
	<p><b>Procedure G: Employee Assistance Program (EAP)</b></p> <p>1. The EAP will continue to offer confidential intake, counseling, and referral to community resources, crisis intervention, drug and alcohol abuse treatment referrals, and follow-up.</p> <p>2. EAP services are available through self-referral by the employee and referrals by supervisors and the Office of Human Resources.</p> <p>3. EAP services shall continue to be provided confidentially for all employees; however each employee who participates in the EAP is still subject to testing.</p>
	<p><b>Procedure H: Training</b></p> <p>The implementation of the education and awareness portion of this policy will begin with mandatory training for Supervisors, Program Managers, Deputy Directors and Administrators on policy issues, Mandatory Drug and Alcohol Testing Procedures, and substance abuse recognition.</p>

POLICY NUMBER/TITLE	CHAPTER NUMBER/TITLE	PAGE NUMBER
Mandatory Employee Drug and Alcohol Testing	Human Resources	Page 6 of 6

## **Attachment A DEFINITIONS**

The following definitions apply in this policy:

**Alcohol Use**— The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol which is the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

**Alcohol/Drug Test** -A procedure to determine alcohol concentrations, or if urine specimens contain prohibited drugs or the metabolites of drugs.

**CFSA employee** – A person employed in a position by the CFSA who receives compensation for services.

**Confirmation drug Test** – A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

**Enzyme- Multiplied -Immunoassay Technique (EMIT)** -The initial method used to test for drugs in urine samples.

**Gas Chromatography/Mass Spectrometry (GC/MS) Testing Method** – The methodology used for all confirmation drug tests.

**Illegal Drugs** - An unlawful drug and does not include over-the-counter prescription medications.

**Independent Confirmation Test** – A third confirmation test that is requested by an employee when the employee's second testing (against the result of the first sampling of drug testing) requested by the agency is confirmed positive. The test is conducted by an independent laboratory using the GC/MS methodology. The laboratory is selected and retained by the employee.

**Medical Review Officer (MRO)** –A licensed physician, responsible for receiving, reviewing, and evaluating test results obtained under the Mandatory Employee Drug and Alcohol Testing program.

**Probable Cause or Reasonable Suspicion Referral** – A reasonable belief by a supervisor that an employee in a safety-sensitive position is under the influence of an illegal drug or alcohol to the extent that the employee's ability to perform his or her job is impaired.

**Qualified Candidate** – An individual who has filed a written application with the CFSA for a safety-sensitive position, meets established qualification requirements including any selective placement factors, and has been selected for a position.

**Safety-Sensitive Position** – A position in which the employee has direct contact with children or youth is entrusted with the direct care or custody of children or youth, and whose performance of his or her duties may affect the health, welfare, or safety of children or youth.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Child and Family Services Agency**



**Employee Notice and Acknowledgement of Drug and Alcohol Testing Requirements**

**PART I: NOTIFICATION**

This is to inform you that the Child and Family Services Agency conducts testing to identify current employees in safety-sensitive positions and job applicants who may be abusing drugs or alcohol, in accordance with D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 1-620.31 *et seq.*) (Supp. 2006).

A copy of the Agency's policy on this matter is attached to this notice. You have the right to refuse to undergo testing. However, the consequences for refusing to undergo testing, or a refusal to cooperate in testing, will result in the termination of an employee or an applicant's pre-employment selection process, as applicable.

An applicant who fails either the drug or alcohol test will not be hired; an employee who fails either of these tests will be terminated.

Remaining drug- or alcohol-free and participation in the drug and alcohol testing program is a condition of continued employment with the Agency.

**PART II: ACKNOWLEDGEMENT**

I acknowledge receipt and understanding of the above written notice and attached policy, and agree to abide by the terms of the Agency's policy pertaining to drugs and alcohol.

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Printed Name

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Signature and Date

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Printed Name of Human Representative

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Signature and Date

Cc:    File



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Child and Family Services Agency



**Drug and Alcohol Testing for Employees in Safety Sensitive Position (DA Form 1)**

*The D.C. Child and Family Services Agency (CFSA) and LabCorp have arranged for drug and alcohol testing of employees who are in or are being considered for safety-sensitive positions, and applicants, in accordance with D.C. Law 15-353, The Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 1-620.31 et seq.) (Supp. 2006).*

**Prospective Applicant or Employee:**

You are required to submit to the following testing:

\_\_\_\_\_Breath Alcohol      \_\_\_\_\_Occupational Urine Drug Screen Collection

You must present this form, with government issued picture identification (drivers license, DC government work ID), to LabCorp for their signature. You must return a copy of the signed form to the CFSA Human Resources Department.

LabCorp hours of operation vary by location, so you are encouraged to contact the LabCorp facility of your choice to learn that facility's occupational drug screen collection hours.

**Patient Services Center:**

The individual listed below is an employee or an applicant who is being considered for a position with CFSA. A LabCorp representative must sign and retain this original form, and provide a signed copy to the individual to be returned to CFSA. LabCorp must forward test results to CFSA at the address below.

Applicant's Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

**District Agency Name:** Child and Family Services Agency

**Contact:** Deborah Wilson  
Human Resources Manager

**Address & Phone:** 955 L'Enfant Plaza, SW  
Suite 5200  
Washington, D.C. 20024  
202-724-7373

\_\_\_\_\_  
LabCorp Staff Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

400 Sixth Street, SW ♦ Washington, DC 20024

Web: [www.cfsa.dc.gov](http://www.cfsa.dc.gov)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Child and Family Services Agency**



**Drug and Alcohol Testing Instructions**

*The D.C. Child and Family Services Agency (CFSA) and LabCorp have arranged for drug and alcohol testing of employees who are in or are being considered for safety-sensitive positions, and applicants, in accordance with D.C. Law 15-353, The Child and Youth, Safety and Health Omnibus Congressional Review Amendment Act of 2004, effective April 13, 2005 (D.C. Law 15-353, D.C. Official Code § 1-620.31 et seq.) (Supp. 2006).*

**You are required to submit to the following testing:**

\_\_\_\_\_ Breath Alcohol      \_\_\_\_\_ Occupational Urine Drug Screen Collection

1. Report to a LabCorp testing site for drug/alcohol testing within 24 hours of notification. You will be given 2 hours administrative leave for testing purposes. Time beyond 2 hours shall be charged to your leave (or LWOP if you have no leave).
2. Visit [http://www.labcorp.com/psc/body\\_frame.html](http://www.labcorp.com/psc/body_frame.html) to find a testing site convenient to you. You must select either "Occupational Urine Drug Screen Collections" or "Breath Alcohol" to locate an appropriate testing site.
3. Upon notification, visit the CFSA Human Resources Department (HR), 955 L'Enfant Plaza, SW., 5<sup>th</sup> Floor, to pick up forms for testing (DA Form 1 and Chain of Custody Form). You must report to HR before 4:45 p.m.
4. **Do not complete any portion of the DA Form 1 or the Chain of Custody form prior to visiting LabCorp. LabCorp will not accept forms that have been completed or signed prior to your visit. Do not mark your forms without a LabCorp representative present.**
5. Return the completed DA Form 1, which has been signed by you and a LabCorp representative, to the HR Department within 48 hours of notification.

**Employee Acknowledgement of Receipt**

I have received a copy of these instructions, the DA Form 1 and the Chain of Custody Letter.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Date of Receipt*